

## CITY OF NEWPORT BEACH

### Building and Fire Board of Appeals Minutes Building and Fire Board Regular Meeting February 25, 2015

A. **CALL TO ORDER** - The meeting was called to order at 3:00PM

B. **ROLL CALL**

Present: Anderson, Elbettar, Jeanette, Pirdy, and Sandland  
Absent: Luehrs and Yeo

C. **INTRODUCTIONS OF BOARD MEMBERS**

Members of the Board introduced themselves.

D. **PUBLIC COMMENTS**

Jim Mosher referenced the minutes of the last meeting, an update to the California Building Code and an item that was to be presented to the Board by The Irvine Company. He added that he does not recall what that was and that it may have "slipped through the cracks." He reported that the Board has not heard an appeal for many years and that one barrier to that is the high cost of filing an appeal. He noted that there is no information as to how some of these issues were resolved.

Chair Jeanette reported that the cost of filing an appeal was discussed by the Board as well as getting an update on appeals.

Discussion followed regarding references in the last meeting minutes in regards to the Code changing every three years and a compliance schedule being brought to the Board by The Irvine Company.

Chief Building Official Jurjis explained that The Irvine Company had proposed a phased plan for upgrades to high-rise towers. Originally, staff was thinking about providing that to the Board but it hasn't occurred yet. He affirmed that the Code changes every three years but nothing has been provided to the Board in terms compliance upgrades to the existing highrise. Therefore, the minutes are accurate.

It was noted that The Irvine Company is concerned with costs to the upgrades and were considering alternatives.

Chief Building Official Jurjis added that The Irvine Company is considering phasing the project.

E. **APPROVAL OF MINUTES OF FEBRUARY 11, 2014**

Motion by Board Member Sandland, seconded by Board Member Pirdy and carried (4 – 1) to approve the minutes of February 11, 2014, as presented.

AYES: Anderson, Jeanette, Pirdy, and Sandland  
NOES: None  
ABSENT: Luehrs and Yeo  
ABSTAIN: Elbettar

F. **NEW BUSINESS**

Item No. 1: **Election of Building and Fire Board of Appeals Chair and Vice Chair.**

Summary: **On an annual basis the Building and Fire Board of Appeals elects a Chair and Vice Chair to run the Board meetings. A Vice Chairs role is to run the Board meetings when the Chair is unavailable. (No staff report will be provided.)**

**Recommendation:**

- 1) Elect Building and Fire Board of Appeals Chair;**
- 2) Elect Building and Fire Board of Appeals Vice Chair; and**
- 3) Alternatively, discuss and take other action related to this item.**

Chair Jeanette declared the position of Chair of the Board, vacant, and called for nominations.

Board Member Anderson nominated Board Member Jeanette to the position of Chair. Board Member Pirdy seconded the nomination. There being no other nominations, nominations were closed and Board Member Jeanette was declared Chair, unanimously.

Chair Jeanette declared the position of Vice Chair of the Board, vacant, and called for nominations.

Board Member Anderson nominated Board Member Sandland to the position of Vice Chair. There being no other nominations, nominations were closed and Board Member Sandland was declared Vice Chair, unanimously.

**Item No. 2: Introduce City Staff**

**Summary: City staff will make presentations on their organization and codes used.**

Chief Building Official Jurjis introduced himself and staff members in attendance.

**G) BUILDING AND FIRE BOARD OF APPEALS ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT**

Chief Building Official Jurjis asked Members of the Board whether they would like to meet more frequently than annually.

Vice Chair Sandland asserted that an annual meeting seems to be working fine and is appropriate.

Discussion followed regarding the possibility of meeting every six months.

It was suggested that the Board be advised of significant issues, even if they are not appealable, such as topical issues of interest and legislative actions. This would be a good way to educate the community and the Board.

Chief Building Official Jurjis added that if there is anything on which the Board would like clarification, they only need to ask and staff will bring the item forward.

Board Member Elbettar added that the Board has the flexibility to schedule a meeting, depending on whether there is an appeal or not.

It was noted that appeals would take precedence over other issues.

Members of the Board concurred to meet every six months.

Chair Jeanette welcomed new Board Member Elbettar.

Chief Building Official Jurjis presented an example of a public webpage listing construction areas, active building permits and CIP projects that are currently active. He added that it is an interactive map that serves the community and staff.

Board Member Sandland referenced a discussion regarding the creation of a hardship list and a path of travel as it relates to commercial establishments on Balboa Island.

Chief Building Official Jurjis reported that a path of travel will take place in regards to commercial properties on Balboa Island. He reported that staff will review changes in elevation and hardships created. He added there have been no applications for staff to review this carefully but consideration revolves around the flood plain and accessible access to commercial businesses. He commented on the appeals fee and reported that the City has hired a consultant to study building and planning fees. They have preliminary information but the results have not yet been presented to the Finance Committee. After review by the Finance Committee, the matter will go before Council. He added that the appeals fee will be reduced approximately 50 percent from what it is currently. It will become applicable sixty days after Council adoption.

In response to Chair Jeanette's question regarding the flood plain issue, Chief Building Official Jurjis noted that he will place that matter on a future agenda for discussion. He added that staff did a study of the Harbor and came back with a recommendation that the base flood elevation should be lower than FEMA's determination. The City submitted a LOMAR to FEMA and they approved it. The base flood elevation is now 7.6 rather than 8.3. This will help with development on the island and the understanding of the seawalls around the island.

Discussion followed regarding Lido being higher. It was noted that the peninsula is subject to flooding but is not in the Special Hazard Flood Area. FEMA has mapped Balboa Island as the worst case scenario.

It was noted that the Coastal Commission is going through a process on what they believe, the impact of sea-level rise on the California coast will be. They anticipate that in between 75 and 100 years the sea level will rise two feet.

Chief Building Official Jurjis added that FEMA is doing a major study on the entire western coastline. Studies are still ongoing and Chief Building Official Jurjis stated that flood information is subject to change. However, what is known is that the seawalls are aged and need to be replaced.

Discussion followed regarding part of it being the "luck of the draw" and the narrow mouth of the Harbor acting to diffuse waves.

Board Member Elbettar referenced the fee issue and stated he would like to see a two-tier system; one tier for appeals of matters where the applicant disagrees with the Building or Fire Marshall, and another tier that is much-reduced, when it is a case for ratification. He suggested that the Board consider same.

Chief Building Official Jurjis reported that the matter was studied and that there is a fee for ratification proposed in the fee study.

H) **ADJOURNMENT** – The Building and Fire Board of Appeals adjourned at 3:40PM.